

## Sample grievance #

## Management performing letter carrier craft work

Step A Issue Statement: Did the Employer violate Contractual provisions, including but not limited to, Articles 1,3, 15, 19, and 41 of the Collective Bargaining Agreement; and the M-41 Handbook when supervisors performed letter carrier craft work.

### Article 1.6.A Section 6. Performance of Bargaining Unit Work

- A. Supervisors are prohibited from performing bargaining unit work at post offices with 100 or more bargaining unit employees, except:
1. In an emergency;
  2. For the purpose of training or instruction of employees;
  3. To assure the proper operation of equipment;
  4. To protect the safety of employees; or
  5. To protect the property of the USPS.

The prohibition against supervisors performing bargaining unit work also applies to acting supervisors (204b). The PS Form 1723, which shows the times and dates of the 204b detail, is the controlling document for determining whether an employee is in a 204b status. A separate PS Form 1723 is used for each detail. A single detail may not be broken up on multiple PS Forms 1723 for the purpose of using a 204b on overtime in lieu of a bargaining unit employee. Article 41.1.A.2 requires that a copy of the Form 1723 be provided to the union at the local level. An acting supervisor (204b) may not be used in lieu of a bargaining unit employee for the purpose of bargaining-unit overtime. An employee detailed to an acting supervisory position will not perform bargaining- unit overtime immediately prior to or immediately after such detail on the day he/she was in a 204b status unless all available bargaining unit employees are utilized. However, an employee may work bargaining unit overtime, otherwise consistent with the provisions of Article 8, on the day before or the day after a 204b detail. (Step 4, HON-5R-C 13315, August 30, 1993, M-01177)

Branches that wish to determine whether a post office has 100 or more bargaining unit employees should contact their national business agent. The Settlement Agreement NC-E-4716, November 24, 1978 (M-00206) between the NALC and USPS, which was intended to be of general application, provides that “where additional work hours would have been assigned to employees but for a violation of Article 1.6.A, and where such work hours are not *de minimis*, the employee(s) whom management would have assigned the work, shall be paid for the time involved at the applicable rate.” (“De minimis” means “trifling, unimportant, inconsequential.”)

An emergency is defined in Article 3.F as “an unforeseen circumstance or a combination of circumstances which calls for immediate action in a situation which is not expected to be of a recurring nature.”

**1.6.B** In offices with less than 100 bargaining unit employees, supervisors are prohibited from performing bargaining unit work except as enumerated in Section 6.A.1 through 5 above or when the duties are **included in the supervisor’s position description**. (The preceding Article, Article 1, shall apply to Transitional Employees.) Article 1.6.B prohibits

supervisors in offices with less than 100 bargaining unit employees from performing letter carrier bargaining unit work except for the reasons enumerated in Article 1.6.A.1 through 5, or when the duties being performed are included in the supervisor's position description.

The Step 4 decision NC-C-9746, March 3, 1978 (M-00200) provides that no matter what appears in a supervisor's job description, it does not authorize the supervisor to "perform bargaining unit work as a matter of course every day," but rather "to meet established service standards." Furthermore, the pre-arbitration settlement H7N-2M-C-443, May 17, 1986, (M-00832) provides that where the phrase "distribution tasks" or "may personally perform non-supervisory tasks" is found in a supervisor's job description, this does not include casing mail into letter carrier cases.

**M-00824 Step 4**

**February 26, 1988, H4N-5E-C 36561**

The term immediate supervisor as written in Article 15, Section 2, Step 1(a) of the National Agreement may be an acting supervisor (204b).

**M-00870 Pre-arb**

**November 1, 1988, H4N-3U-C 25828**

We mutually agreed the general delivery and pickup of express Mail is bargaining-unit work. It is also understood that management has not designated this work to any specific craft. In accordance with the above understanding, management is prohibited from performing bargaining-unit work except as enumerated in Article 1, Section 6.

**M-00336 Pre-arb, NN 4507**

The Postal Service reaffirms its intent that supervisors will do as little bargaining unit work as possible and that such work will be performed only under the strict limitations of Article 1, Section 6, of the 1973 National Agreement.

**REMEDY:** Carrier craft be awarded compensation for all hours worked by management doing bargaining unit work. (Pay carriers for hours worked by management at appropriate rate)